

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 151

FINAL READING

Introduced by Stuthman, 22; Christensen, 44; Rogert, 16.

Read first time January 09, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to controlled substances; to amend sections
2 28-405, 28-456, and 28-456.01, Reissue Revised Statutes
3 of Nebraska; to harmonize drug names with federal
4 regulations; to change and eliminate provisions relating
5 to food and drug products containing ephedrine or
6 pseudoephedrine; to harmonize provisions; to repeal the
7 original sections; to outright repeal sections 28-448
8 and 28-454, Reissue Revised Statutes of Nebraska; and to
9 declare an emergency.

10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-405, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-405 The following are the schedules of controlled
4 substances referred to in the Uniform Controlled Substances Act:

5 Schedule I

6 (a) Any of the following opiates, including their
7 isomers, esters, ethers, salts, and salts of isomers, esters, and
8 ethers, unless specifically excepted, whenever the existence of
9 such isomers, esters, ethers, and salts is possible within the
10 specific chemical designation:

11 (1) Acetylmethadol;

12 (2) Allylprodine;

13 (3) Alphacetylmethadol, except levo-alphacetylmethadol
14 which is also known as levo-alpha-acetylmethadol, levomethadyl
15 acetate, and LAAM;

16 (4) Alphameprodine;

17 (5) Alphamethadol;

18 (6) Benzethidine;

19 (7) Betacetylmethadol;

20 (8) Betameprodine;

21 (9) Betamethadol;

22 (10) Betaprodine;

23 (11) Clonitazene;

24 (12) Dextromoramide;

25 (13) Difenoxylin;

- 1 (14) Diampromide;
- 2 (15) Diethylthiambutene;
- 3 (16) Dimenoxadol;
- 4 (17) Dimepheptanol;
- 5 (18) Dimethylthiambutene;
- 6 (19) Dioxaphetyl butyrate;
- 7 (20) Dipipanone;
- 8 (21) Ethylmethylthiambutene;
- 9 (22) Etonitazene;
- 10 (23) Etoxeridine;
- 11 (24) Furethidine;
- 12 (25) Hydroxypethidine;
- 13 (26) Ketobemidone;
- 14 (27) Levomoramide;
- 15 (28) Levophenacylmorphan;
- 16 (29) Morpheridine;
- 17 (30) Noracymethadol;
- 18 (31) Norlevorphanol;
- 19 (32) Normethadone;
- 20 (33) Norpipanone;
- 21 (34) Phenadoxone;
- 22 (35) Phenampromide;
- 23 (36) Phenomorphan;
- 24 (37) Phenoperidine;
- 25 (38) Piritramide;

- 1 (39) Proheptazine;
- 2 (40) Properidine;
- 3 (41) Propiram;
- 4 (42) Racemoramide;
- 5 (43) Trimeperidine;
- 6 (44) Alpha-methylfentanyl,
- 7 N-(1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl) propionanilide,
- 8 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine;
- 9 (45) Tilidine;
- 10 (46) 3-Methylfentanyl,
- 11 N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, its
- 12 optical and geometric isomers, salts, and salts of isomers;
- 13 (47) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its
- 14 optical isomers, salts, and salts of isomers;
- 15 (48) PEPAP,
- 16 ~~(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine),~~
- 17 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine, its optical
- 18 isomers, salts, and salts of isomers;
- 19 (49) Acetyl-alpha-methylfentanyl,
- 20 N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide,
- 21 ~~(N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide),~~ its
- 22 optical isomers, salts, and salts of isomers;
- 23 (50) Alpha-methylthiofentanyl,
- 24 N-(1-methyl-2-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide,
- 25 ~~(N-(1-methyl-2-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide),~~

LB 151

LB 151

1 its optical isomers, salts, and salts of isomers;

2 (51) Benzylfentanyl_L

3 N-(1-benzyl-4-piperidyl)-N-phenylpropanamide,

4 ~~(N-(1-benzyl-4-piperidyl)-N-phenylpropanamide),~~ its optical

5 isomers, salts, and salts of isomers;

6 (52) Beta-hydroxyfentanyl_L

7 N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide,

8 ~~(N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide),~~

9 its optical isomers, salts, and salts of isomers;

10 (53) Beta-hydroxy-3-methylfentanyl_L (other name:

11 N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide),

12 its optical and geometric isomers, salts, and salts of isomers;

13 (54) 3-methylthiofentanyl_L

14 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide,

15 ~~(N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide),~~

16 its optical and geometric isomers, salts, and salts of isomers;

17 (55)

18 N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide

19 (thenylfentanyl), its optical isomers, salts, and salts of isomers;

20 (56) Thiofentanyl_L

21 N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide,

22 ~~(N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide),~~ its

23 optical isomers, salts, and salts of isomers; and

24 (57) Para-fluorofentanyl_L

25 N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide,

1 ~~(N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide),~~
2 its optical isomers, salts, and salts of isomers.

3 (b) Any of the following opium derivatives, their salts,
4 isomers, and salts of isomers, unless specifically excepted,
5 whenever the existence of such salts, isomers, and salts of
6 isomers is possible within the specific chemical designation:

- 7 (1) Acetorphine;
- 8 (2) Acetyldihydrocodeine;
- 9 (3) Benzylmorphine;
- 10 (4) Codeine methylbromide;
- 11 (5) Codeine-N-Oxide;
- 12 (6) Cyprenorphine;
- 13 (7) Desomorphine;
- 14 (8) Dihydromorphine;
- 15 (9) Drotebanol;
- 16 (10) Etorphine, except hydrochloride salt;
- 17 (11) Heroin;
- 18 (12) Hydromorphenol;
- 19 (13) Methyldesorphine;
- 20 (14) Methyldihydromorphine;
- 21 (15) Morphine methylbromide;
- 22 (16) Morphine methylsulfonate;
- 23 (17) Morphine-N-Oxide;
- 24 (18) Myrophine;
- 25 (19) Nicocodeine;

1 (20) Nicomorphine;

2 (21) Normorphine;

3 (22) Pholcodine; and

4 (23) Thebacon.

5 (c) Any material, compound, mixture, or preparation which
6 contains any quantity of the following hallucinogenic substances,
7 their salts, isomers, and salts of isomers, unless specifically
8 excepted, whenever the existence of such salts, isomers, and salts
9 of isomers is possible within the specific chemical designation,
10 and, for purposes of this subdivision only, isomer shall include
11 the optical, position, and geometric isomers:

12 (1) Bufotenine. Trade and other names shall include, but
13 are not limited to: ~~3-(B-Dimethylaminoethyl)-5-hydroxyindole;~~
14 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;
15 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin;
16 5-hydroxy-N,N-dimethyltryptamine; and mappine;

17 (2) Diethyltryptamine. Trade and other names shall
18 include, but are not limited to: ~~N,N-diethyltryptamine;~~
19 N,N-Diethyltryptamine; and DET;

20 (3) Dimethyltryptamine. Trade and other names shall
21 include, but are not limited to: DMT;

22 (4) 4-bromo-2,5-dimethoxyamphetamine. Trade
23 and other names shall include, but are not limited
24 to: ~~4-bromo-2, 5-dimethoxy-a-methylphenethylamine;~~
25 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; and

1 4-bromo-2,5-DMA;

2 (5) 4-methoxyamphetamine. Trade and other names shall
3 include, but are not limited to: ~~4-methoxy-alpha-methylphenethylamine;~~
4 4-methoxy-alpha-methylphenethylamine; and paramethoxyamphetamine,
5 PMA;

6 (6) ~~4-methyl-2, 5-dimethoxyamphetamine.~~
7 4-methyl-2,5-dimethoxyamphetamine. Trade and other
8 names shall include, but are not limited
9 to: ~~4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;~~
10 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; DOM; and STP;

11 (7) 5-methoxy-N-N, dimethyltryptamine;

12 (8) Ibogaine. Trade and other names
13 shall include, but are not limited to:

14 ~~7-ethyl-6,6B,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido~~

15 7-Ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido

16 (1',2':1,2) azepino (5,4-b) indole; and ~~tabernanthe~~

17 Tabernanthe iboga;

18 (9) Lysergic acid diethylamide;

19 (10) Marijuana;

20 (11) Mescaline;

21 (12) Peyote. Peyote shall mean all parts of the plant
22 presently classified botanically as *Lophophora williamsii* Lemaire,
23 whether growing or not, the seeds thereof, any extract from
24 any part of such plant, and every compound, manufacture, salts,
25 derivative, mixture, or preparation of such plant or its seeds or

- 1 extracts;
- 2 (13) Psilocybin;
- 3 (14) Psilocyn;
- 4 (15) Tetrahydrocannabinols, including, but not limited
- 5 to, synthetic equivalents of the substances contained in the plant
- 6 or in the resinous extractives of cannabis, sp. or synthetic
- 7 substances, derivatives, and their isomers with similar chemical
- 8 structure and pharmacological activity such as the following: Delta
- 9 1 cis or trans tetrahydrocannabinol and their optical isomers,
- 10 excluding dronabinol in sesame oil and encapsulated in a soft
- 11 gelatin capsule in a drug product approved by the federal Food
- 12 and Drug Administration; Delta 6 cis or trans tetrahydrocannabinol
- 13 and their optical isomers; and Delta 3,4 cis or trans
- 14 tetrahydrocannabinol and its optical isomers. Since nomenclature
- 15 of these substances is not internationally standardized, compounds
- 16 of these structures shall be included regardless of the numerical
- 17 designation of atomic positions covered;
- 18 (16) 3,4-methylenedioxy amphetamine;
- 19 (17) ~~5-methoxy-3,4-methylenedioxy amphetamine;~~
- 20 5-methoxy-3,4-methylenedioxy-amphetamine;
- 21 (18) 3,4,5-trimethoxy amphetamine;
- 22 (19) N-ethyl-3-piperidyl benzilate;
- 23 (20) N-methyl-3-piperidyl benzilate;
- 24 (21) Thiophene analog of phencyclidine. Trade
- 25 and other names shall include, but are not limited to:

1 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of
 2 phencyclidine; TCP; and TCP;

3 (22) 2,5-dimethoxyamphetamine. Trade

4 and other names shall include, but are not

5 limited to: ~~2,5-dimethoxy- α -methylphenethylamine;~~

6 2,5-dimethoxy- α -methylphenethylamine; and 2,5-DMA;

7 (23) Hashish or concentrated cannabis;

8 (24) Parahexyl. Trade and other names shall include, but

9 are not limited to: ~~3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,~~

10 ~~9-trimethyl-6H-dibenzo(b,d)pyran;~~ and ~~synhexyl;~~

11 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran;

12 and Synhexyl;

13 (25) Ethylamine analog of phencyclidine. Trade

14 and other names shall include, but are not limited to:

15 N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine;

16 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; and PCE;

17 (26) Pyrrolidine analog of phencyclidine. Trade

18 and other names shall include, but are not limited to:

19 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; and PHP;

20 (27) 3,4-methylenedioxymethamphetamine (MDMA), its

21 optical, positional, and geometric isomers, salts, and salts of

22 isomers;

23 (28) ~~4-bromo-2,5-dimethoxyphenethylamine.~~

24 4-Bromo-2,5-dimethoxyphenethylamine. Some trade or other names:

25 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB;

1 2C-B; and Nexus;

2 (29) Alpha-ethyltryptamine. Some trade or other
3 names: etryptamine; Monase; ~~alpha-ethyl-1H-indole-3-ethanamine;~~
4 alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole;
5 alpha-ET; and AET;

6 (30) 2,5-dimethoxy-4-ethylamphet-amine; and DOET;

7 (31) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine; and TCPy;

8 (32) Alpha-methyltryptamine, which is also known as AMT;

9 and

10 (33) ~~5-Methoxy-N,~~ ~~N-diisopropyltryptamine,~~
11 5-Methoxy-N,N-diisopropyltryptamine, which is also known as
12 5-MeO-DIPT.

13 (d) Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture, or preparation
15 which contains any quantity of the following substances having
16 a depressant effect on the central nervous system, including its
17 salts, isomers, and salts of isomers whenever the existence of
18 such salts, isomers, and salts of isomers is possible within the
19 specific chemical designation:

20 (1) Mecloqualone;

21 (2) Methaqualone; and

22 (3) ~~Gamma-hydroxybutyric acid.~~ Gamma-Hydroxybutyric
23 Acid. Some other names include: GHB; ~~gamma-hydroxybutyrate;~~
24 ~~4-hydroxybutyrate;~~ ~~4-hydroxybutanoic acid;~~ ~~sodium oxybate;~~ and
25 ~~sodium oxybutyrate.~~ Gamma-hydroxybutyrate; 4-Hydroxybutyrate;

1 4-Hydroxybutanoic Acid; Sodium Oxybate; and Sodium Oxybutyrate.

2 (e) Unless specifically excepted or unless listed in
3 another schedule, any material, compound, mixture, or preparation
4 which contains any quantity of the following substances having
5 a stimulant effect on the central nervous system, including its
6 salts, isomers, and salts of isomers:

7 (1) Fenethylamine;

8 (2) N-ethylamphetamine;

9 (3) Amphetamine; amphetamine; 2-amino-5-phenyl-2-oxazoline;
10 and or 4,5-dihydro-5-phenyl-2-oxazolamine;

11 (4) Cathinone; 2-amino-1-phenyl-1-propanone;
12 alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrine;

13 (5) Methcathinone, its salts, optical isomers,
14 and salts of optical isomers. Some other names:

15 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone;

16 2-(methylamino)-1-phenylpropan-1-one;

17 alpha-N-methylaminopropiophenone; methylcathinone;

18 monomethylpropion; ephedrine; N-methylcathinone; AL-464; AL-422;

19 AL-463; and UR1432;

20 (6) (+/-) cis-4-methylamphetamine; and

21 (+/-) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine;

22 and

23 (7) N,N-dimethylamphetamine;

24 N,N-alpha-trimethylbenzeneethanamine; and

25 N,N-alpha-trimethylphenethylamine.

1 (f) Any controlled substance analogue to the extent
2 intended for human consumption.

3 Schedule II

4 (a) Any of the following substances except those narcotic
5 drugs listed in other schedules whether produced directly or
6 indirectly by extraction from substances of vegetable origin,
7 independently by means of chemical synthesis, or by combination of
8 extraction and chemical synthesis:

9 (1) Opium and opiate, and any salt, compound, derivative,
10 or preparation of opium or opiate, excluding apomorphine,
11 buprenorphine, thebaine-derived butorphanol, dextrorphan,
12 nalbuphine, nalmeffene, naloxone, and naltrexone and their
13 salts, but including the following:

- 14 (i) Raw opium;
15 (ii) Opium extracts;
16 (iii) Opium fluid;
17 (iv) Powdered opium;
18 (v) Granulated opium;
19 (vi) Tincture of opium;
20 (vii) Codeine;
21 (viii) Ethylmorphine;
22 (ix) Etorphine hydrochloride;
23 (x) Hydrocodone;
24 (xi) Hydromorphone;
25 (xii) Metopon;

1 (xiii) Morphine;

2 (xiv) Oxycodone;

3 (xv) Oxymorphone;

4 (xvi) Oripavine;

5 (xvii) Thebaine; and

6 (xviii) Dihydroetorphine;

7 (2) Any salt, compound, derivative, or preparation
8 thereof which is chemically equivalent to or identical with any of
9 the substances referred to in subdivision (1) of this subdivision,
10 except that these substances shall not include the isoquinoline
11 alkaloids of opium;

12 (3) Opium poppy and poppy straw;

13 (4) Coca leaves and any salt, compound, derivative, or
14 preparation of coca leaves, and any salt, compound, derivative,
15 or preparation thereof which is chemically equivalent to or
16 identical with any of these substances, including cocaine and
17 its salts, optical isomers, and salts of optical isomers, except
18 that the substances shall not include decocainized coca leaves or
19 extractions which do not contain cocaine or ecgonine; and

20 (5) Concentrate of poppy straw, the crude extract of
21 poppy straw in either liquid, solid, or powder form which contains
22 the phenanthrene alkaloids of the opium poppy.

23 (b) Unless specifically excepted or unless in another
24 schedule any of the following opiates, including their isomers,
25 esters, ethers, salts, and salts of their isomers, esters, and

1 ethers whenever the existence of such isomers, esters, ethers,
 2 and salts is possible within the specific chemical designation,
 3 dextrorphan excepted:

- 4 (1) Alphaprodine;
 5 (2) Anileridine;
 6 (3) Bezitramide;
 7 (4) Diphenoxylate;
 8 (5) Fentanyl;
 9 (6) Isomethadone;
 10 (7) Levomethorphan;
 11 (8) Levorphanol;
 12 (9) Metazocine;
 13 (10) Methadone;
 14 (11) ~~Methadone-Intermediate,~~ Methadone-intermediate,
 15 4-cyano-2-dimethylamino-4,4-diphenyl butane;
 16 (12) Moramide-intermediate,
 17 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;
 18 (13) Pethidine or meperidine;
 19 (14) Pethidine-Intermediate-A,
 20 4-cyano-1-methyl-4-phenylpiperidine;
 21 (15) Pethidine-Intermediate-B,
 22 ethyl-4-phenylpiperidine-4-carboxylate;
 23 (16) Pethidine-Intermediate-C,
 24 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 25 (17) Phenazocine;

- 1 (18) Piminodine;
- 2 (19) Racemethorphan;
- 3 (20) Racemorphan;
- 4 (21) Dihydrocodeine;
- 5 (22) Bulk ~~propoxyphene~~ Dextropropoxyphene in nondosage
6 forms;
- 7 (23) Sufentanil;
- 8 (24) Alfentanil;
- 9 (25) Levo-alpha-acetylmethadol which is also known as
10 levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- 11 (26) Carfentanil; and
- 12 (27) Remifentanil.
- 13 (c) Any material, compound, mixture, or preparation
14 which contains any quantity of the following substances having
15 a potential for abuse associated with a stimulant effect on the
16 central nervous system:
- 17 (1) Amphetamine, its salts, optical isomers, and salts of
18 its optical isomers;
- 19 (2) Phenmetrazine and its salts;
- 20 (3) Methamphetamine, its salts, isomers, and salts of its
21 isomers; and
- 22 (4) Methylphenidate.
- 23 (d) Any material, compound, mixture, or preparation
24 which contains any quantity of the following substances having
25 a potential for abuse associated with a depressant effect on the

1 central nervous system, including their salts, isomers, and salts
2 of isomers whenever the existence of such salts, isomers, and salts
3 of isomers is possible within the specific chemical designations:

4 (1) Amobarbital;

5 (2) Secobarbital;

6 (3) Pentobarbital;

7 (4) Phencyclidine; and

8 (5) Glutethimide.

9 (e) Hallucinogenic substances known as:

10 (1) Nabilone. Another name for

11 nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-

12 ~~6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one.~~

13 6,6a,7,8,10,10a-Hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one.

14 (f) Unless specifically excepted or unless listed in
15 another schedule, any material, compound, mixture, or preparation
16 which contains any quantity of the following substances:

17 (1) Immediate precursor to amphetamine and
18 methamphetamine: Phenylacetone. Trade and other names shall
19 include, but are not limited to: Phenyl-2-propanone; P2P; benzyl
20 methyl ketone; and methyl benzyl ketone; or

21 (2) Immediate precursors to phencyclidine, PCP:

22 (i) 1-phenylcyclohexylamine; or

23 (ii) 1-piperidinocyclohexanecarbonitrile, PCC.

24 Schedule III

25 (a) Any material, compound, mixture, or preparation

1 which contains any quantity of the following substances having
2 a potential for abuse associated with a stimulant effect on the
3 central nervous system, including their salts, isomers, whether
4 optical, position, or geometric, and salts of such isomers whenever
5 the existence of such salts, isomers, and salts of isomers is
6 possible within the specific chemical designation:

7 (1) Benzphetamine;

8 (2) Chlorphentermine;

9 (3) Clortermine; and

10 (4) Phendimetrazine.

11 (b) Any material, compound, mixture, or preparation
12 which contains any quantity of the following substances having
13 a potential for abuse associated with a depressant effect on the
14 central nervous system:

15 (1) Any substance which contains any quantity of a
16 derivative of barbituric acid or any salt of a derivative of
17 barbituric acid, except those substances which are specifically
18 listed in other schedules of this section;

19 (2) Chlorhexadol;

20 (3) Lysergic acid;

21 (4) Lysergic acid amide;

22 (5) Methyprylon;

23 (6) Sulfondiethylmethane;

24 (7) Sulfonethylmethane;

25 (8) Sulfonmethane;

1 (9) Nalorphine;

2 (10) Any compound, mixture, or preparation containing
3 amobarbital, secobarbital, pentobarbital, or any salt thereof and
4 one or more other active medicinal ingredients which are not listed
5 in any schedule;

6 (11) Any suppository dosage form containing amobarbital,
7 secobarbital, pentobarbital, or any salt of any of these drugs and
8 approved by the Food and Drug Administration for marketing only as
9 a suppository;

10 (12) Any drug product containing gamma-hydroxybutyric
11 acid, including its salts, isomers, and salts of isomers, for which
12 an application is approved under section 505 of the Federal Food,
13 Drug, and Cosmetic Act, 21 U.S.C. 355, as such section existed on
14 July 20, 2002;

15 (13) Ketamine, its salts, isomers, and
16 salts of isomers. Some other names for ketamine:
17 (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone; and

18 (14) Tiletamine and zolazepam or any salt thereof.
19 Trade or other names for a tiletamine-zolazepam combination
20 product shall include, but are not limited to: telazol. Trade
21 or other names for tiletamine shall include, but are not
22 limited to: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Trade or
23 other names for zolazepam shall include, but are not limited
24 to: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e)
25 (1,4)-diazepin-7(1H)-one, and flupyrzapon.

1 (c) Unless specifically excepted or unless listed in
2 another schedule:

3 (1) Any material, compound, mixture, or preparation
4 containing limited quantities of any of the following narcotic
5 drugs, or any salts calculated as the free anhydrous base or
6 alkaloid, in limited quantities as set forth below:

7 (i) Not more than one and eight-tenths grams of codeine
8 per one hundred milliliters or not more than ninety milligrams per
9 dosage unit, with an equal or greater quantity of an isoquinoline
10 alkaloid of opium;

11 (ii) Not more than one and eight-tenths grams of codeine
12 per one hundred milliliters or not more than ninety milligrams per
13 dosage unit, with one or more active, nonnarcotic ingredients in
14 recognized therapeutic amounts;

15 (iii) Not more than three hundred milligrams of
16 dihydrocodeinone which is also known as hydrocodone per one hundred
17 milliliters or not more than fifteen milligrams per dosage unit,
18 with a fourfold or greater quantity of an isoquinoline alkaloid of
19 opium;

20 (iv) Not more than three hundred milligrams of
21 dihydrocodeinone which is also known as hydrocodone per one hundred
22 milliliters or not more than fifteen milligrams per dosage unit,
23 with one or more active, nonnarcotic ingredients in recognized
24 therapeutic amounts;

25 (v) Not more than one and eight-tenths grams of

1 dihydrocodeine per one hundred milliliters or not more than ninety
2 milligrams per dosage unit, with one or more active, nonnarcotic
3 ingredients in recognized therapeutic amounts;

4 (vi) Not more than three hundred milligrams of
5 ethylmorphine per one hundred milliliters or not more than fifteen
6 milligrams per dosage unit, with one or more active, nonnarcotic
7 ingredients in recognized therapeutic amounts;

8 (vii) Not more than five hundred milligrams of opium per
9 one hundred milliliters or per one hundred grams, or not more than
10 twenty-five milligrams per dosage unit, with one or more active,
11 nonnarcotic ingredients in recognized therapeutic amounts; and

12 (viii) Not more than fifty milligrams of morphine per
13 one hundred milliliters or per one hundred grams with one or more
14 active, nonnarcotic ingredients in recognized therapeutic amounts;
15 and

16 (2) Any material, compound, mixture, or preparation
17 containing any of the following narcotic drug or its salts, as
18 set forth below:

19 (i) Buprenorphine.

20 (d) Unless contained on the administration's list of
21 exempt anabolic steroids as the list existed on June 1, 2007,
22 any anabolic steroid, which shall include any material, compound,
23 mixture, or preparation containing any quantity of the following
24 substances, including its salts, isomers, and salts of isomers
25 whenever the existence of such salts of isomers is possible within

1 the specific chemical designation:

2 (1) Boldenone;

3 (2) Chlorotestosterone (4-chlorotestosterone);

4 (3) Clostebol;

5 (4) ~~Dehydrochlormethyltestosterone;~~

6 Dehydrochloromethyltestosterone;

7 (5) Dihydrotestosterone (4-dihydrotestosterone);

8 (6) Drostanolone;

9 (7) Ethylestrenol;

10 (8) Fluoxymesterone;

11 (9) Formebolone (formebolone);

12 (10) Mesterolone;

13 (11) Methandienone;

14 (12) Methandranone;

15 (13) Methandriol;

16 (14) Methandrostenolone;

17 (15) Methenolone;

18 (16) Methyltestosterone;

19 (17) Mibolerone;

20 (18) Nandrolone;

21 (19) Norethandrolone;

22 (20) Oxandrolone;

23 (21) Oxymesterone;

24 (22) Oxymetholone;

25 (23) Stanolone;

- 1 (24) Stanozolol;
- 2 (25) Testolactone;
- 3 (26) Testosterone;
- 4 (27) Trenbolone; and
- 5 (28) Any salt, ester, or ~~isomer~~ ether of a drug or
- 6 substance described or listed in this subdivision if the salt,
- 7 ester, or ~~isomer~~ ether promotes muscle growth.

8 (e) Hallucinogenic substances known as:

- 9 (1) Dronabinol, synthetic, in sesame oil and encapsulated
- 10 in a soft gelatin capsule in a Food and Drug Administration
- 11 approved drug product. Some other names for dronabinol are
- 12 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo
- 13 ~~(b,d)pyran-1-ol~~ (b,d)pyran-1-ol or
- 14 (-)-delta-9-(trans)-tetrahydrocannabinol.

15 Schedule IV

16 (a) Any material, compound, mixture, or preparation which

17 contains any quantity of the following substances, including their

18 salts, isomers, and salts of isomers whenever the existence of

19 such salts, isomers, and salts of isomers is possible within the

20 specific chemical designation:

- 21 (1) Barbital;
- 22 (2) Chloral betaine;
- 23 (3) Chloral hydrate;
- 24 (4) Chlordiazepoxide, but not including librax
- 25 (chlordiazepoxide hydrochloride and clindinium bromide) or menrium

- 1 (chlordiazepoxide and water soluble esterified estrogens);
- 2 (5) Clonazepam;
- 3 (6) Clorazepate;
- 4 (7) Diazepam;
- 5 (8) Ethchlorvynol;
- 6 (9) Ethinamate;
- 7 (10) Flurazepam;
- 8 (11) Mebutamate;
- 9 (12) Meprobamate;
- 10 (13) Methohexital;
- 11 (14) Methylphenobarbital;
- 12 (15) Oxazepam;
- 13 (16) Paraldehyde;
- 14 (17) Petrichloral;
- 15 (18) Phenobarbital;
- 16 (19) Prazepam;
- 17 (20) Alprazolam;
- 18 (21) Bromazepam;
- 19 (22) Camazepam;
- 20 (23) Clobazam;
- 21 (24) Clotiazepam;
- 22 (25) Cloxazolam;
- 23 (26) Delorazepam;
- 24 (27) Estazolam;
- 25 (28) Ethyl loflazepate;

- 1 (29) Fludiazepam;
- 2 (30) Flunitrazepam;
- 3 (31) Halazepam;
- 4 (32) Haloxazolam;
- 5 (33) Ketazolam;
- 6 (34) Loprazolam;
- 7 (35) Lorazepam;
- 8 (36) Lormetazepam;
- 9 (37) Medazepam;
- 10 (38) Nimetazepam;
- 11 (39) Nitrazepam;
- 12 (40) Nordiazepam;
- 13 (41) Oxazolam;
- 14 (42) Pinazepam;
- 15 (43) Temazepam;
- 16 (44) Tetrazepam;
- 17 (45) Triazolam;
- 18 (46) Midazolam;
- 19 (47) Quazepam;
- 20 (48) Zolpidem;
- 21 (49) Dichloralphenazone; and
- 22 (50) Zaleplon.
- 23 (b) Any material, compound, mixture, or preparation which
- 24 contains any quantity of the following substance, including its
- 25 salts, isomers, whether optical, position, or geometric, and salts

1 of such isomers, whenever the existence of such salts, isomers, and
2 salts of isomers is possible: Fenfluramine.

3 (c) Unless specifically excepted or unless listed in
4 another schedule, any material, compound, mixture, or preparation
5 which contains any quantity of the following substances having a
6 stimulant effect on the central nervous system, including their
7 salts, isomers, whether optical, position, or geometric, and salts
8 of such isomers whenever the existence of such salts, isomers,
9 and salts of isomers is possible within the specific chemical
10 designation:

11 (1) Diethylpropion;

12 (2) Phentermine;

13 (3) Pemoline, including organometallic complexes and
14 chelates thereof;

15 (4) Mazindol;

16 (5) Pipradrol;

17 (6) SPA, ((-)-1-dimethylamino- 1,2-diphenylethane);

18 (7) Cathine. Another name for cathine is
19 ((+)-norpseudoephedrine);

20 (8) Fencamfamin;

21 (9) Fenproporex;

22 (10) Mefenorex;

23 (11) Modafinil; and

24 (12) Sibutramine.

25 (d) Unless specifically excepted or unless listed in

1 another schedule, any material, compound, mixture, or preparation
2 which contains any quantity of the following narcotic drugs, or
3 their salts or isomers calculated as the free anhydrous base or
4 alkaloid, in limited quantities as set forth below:

5 (1) ~~Propoxyphene~~ Dextropropoxyphene in manufactured
6 dosage forms; and

7 (2) Not more than one milligram of difenoxin and not less
8 than twenty-five micrograms of atropine sulfate per dosage unit.

9 (e) Unless specifically excepted or unless listed in
10 another schedule, any material, compound, mixture, or preparation
11 which contains any quantity of the following substance, including
12 its salts: Pentazocine.

13 (f) Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture, or preparation
15 which contains any quantity of the following substance, including
16 its salts, isomers, and salts of such isomers: Butorphanol.

17 (g)(1) Unless specifically excepted or unless listed in
18 another schedule, any material, compound, mixture, or preparation
19 which contains any quantity of the following substance, including
20 its salts, optical isomers, and salts of such optical isomers:
21 Ephedrine.

22 (2) The following drug products containing ephedrine,
23 its salts, optical isomers, and salts of such optical isomers,
24 are excepted from subdivision (g)(1) of Schedule IV if they may
25 lawfully be sold over the counter without a prescription under

1 ~~the Federal Food, Drug, and Cosmetic Act, as the act existed on~~
2 ~~September 1, 2001,~~ (A) are stored behind a counter, in an area not
3 accessible to customers, or in a locked case so that a customer
4 needs assistance from an employee to access the drug product;
5 (B) are sold by a person, eighteen years of age or older, in
6 the course of his or her employment to a customer eighteen years
7 of age or older with the following restrictions: No customer
8 shall be allowed to purchase, receive, or otherwise acquire
9 more than three and six-tenths grams of ephedrine base during
10 a twenty-four-hour period; no customer shall purchase, receive, or
11 otherwise acquire more than nine grams of ephedrine base during
12 a thirty-day period; and the customer shall display a valid
13 driver's or operator's license, a Nebraska state identification
14 card, a military identification card, an alien registration card,
15 or a passport as proof of identification; (C) are labeled and
16 marketed in a manner consistent with the pertinent OTC Tentative
17 Final or Final Monograph; (D) are manufactured and distributed for
18 legitimate medicinal use in a manner that reduces or eliminates
19 the likelihood of abuse; and (E) are not marketed, advertised, or
20 represented in any manner for the indication of stimulation, mental
21 alertness, euphoria, ecstasy, a buzz or high, heightened sexual
22 performance, or increased muscle mass:

23 ~~(A)~~ (i) Primatene Tablets;

24 ~~(B)~~ (ii) Bronkaid Dual Action Caplets; and

25 ~~(C)~~ (iii) Pazo Hemorrhoidal Ointment.

1 ~~(3) Food and dietary supplements described in 21 U.S.C.~~
2 ~~321, as such section existed on September 1, 2001, containing~~
3 ~~ephedrine, including its salts, optical isomers, and salts of such~~
4 ~~optical isomers, are excepted from subdivision (g)(1) of Schedule~~
5 ~~IV if:~~

6 ~~(A) They are labeled in a manner consistent with section~~
7 ~~28-448 and bear the statements: "This statement has not been~~
8 ~~evaluated by the Food and Drug Administration. This product is not~~
9 ~~intended to diagnose, treat, cure, or prevent any disease."~~

10 ~~(B) Any dosage form of the food or dietary supplements~~
11 ~~(i) does not contain any hydrochloride or sulfate salts of~~
12 ~~ephedrine alkaloids, (ii) does not contain more than twenty-five~~
13 ~~milligrams of ephedrine alkaloids, and (iii) does not contain~~
14 ~~ephedrine alkaloids in excess of five percent of the total capsule~~
15 ~~weight;~~

16 ~~(C) They are not marketed, advertised, or represented in~~
17 ~~any manner for the indication of stimulation, mental alertness,~~
18 ~~euphoria, ecstasy, a buzz or high, heightened sexual performance,~~
19 ~~or increased muscle mass; and~~

20 ~~(D) Analysis of the product is provided to the department~~
21 ~~to ensure that the product meets the requirements of subdivision~~
22 ~~(g)(3)(B) of Schedule IV.~~

23 Schedule V

24 (a) Any compound, mixture, or preparation containing any
25 of the following limited quantities of narcotic drugs or salts

1 calculated as the free anhydrous base or alkaloid, which shall
2 include one or more nonnarcotic active medicinal ingredients in
3 sufficient proportion to confer upon the compound, mixture, or
4 preparation valuable medicinal qualities other than those possessed
5 by the narcotic drug alone:

6 (1) Not more than two hundred milligrams of codeine per
7 one hundred milliliters or per one hundred grams;

8 (2) Not more than one hundred milligrams of
9 dihydrocodeine per one hundred milliliters or per one hundred
10 grams;

11 (3) Not more than one hundred milligrams of ethylmorphine
12 per one hundred milliliters or per one hundred grams;

13 (4) Not more than two and five-tenths milligrams of
14 diphenoxylate and not less than twenty-five micrograms of atropine
15 sulfate per dosage unit;

16 (5) Not more than one hundred milligrams of opium per one
17 hundred milliliters or per one hundred grams; and

18 (6) Not more than five-tenths milligram of difenoxin and
19 not less than twenty-five micrograms of atropine sulfate per dosage
20 unit.

21 (b) Unless specifically exempted or excluded or unless
22 listed in another schedule, any material, compound, mixture, or
23 preparation which contains any quantity of the following substances
24 having a stimulant effect on the central nervous system, including
25 its salts, isomers, and salts of isomers: Pyrovalerone.

1 Sec. 2. Section 28-456, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-456 (1) Any drug products containing
4 phenylpropanolamine, pseudoephedrine, or their salts, optical
5 isomers, or salts of such optical isomers may be sold without a
6 prescription only if they are:

7 (a) Labeled and marketed in a manner consistent with the
8 pertinent OTC Tentative Final or Final Monograph;

9 (b) Manufactured and distributed for legitimate medicinal
10 use in a manner that reduces or eliminates the likelihood of abuse;

11 (c) Packaged as follows:

12 (i) Except for liquids, sold in package sizes of not
13 more than three and six-tenths grams of pseudoephedrine base or
14 three and six-tenths grams of phenylpropanolamine base, in blister
15 packs, each blister containing not more than two dosage units, or
16 if the use of blister packs is technically infeasible, in unit dose
17 packets or pouches; and

18 (ii) For liquids, sold in package sizes of not more than
19 three and six-tenths grams of pseudoephedrine base or three and
20 six-tenths grams of phenylpropanolamine base;

21 (d) Sold by a person, eighteen years of age or older, in
22 the course of his or her employment to a customer, eighteen years
23 of age or older, with the following restrictions:

24 (i) No customer shall be allowed to purchase, receive,
25 or otherwise acquire more than three and six-tenths grams

1 of pseudoephedrine base or three and six-tenths grams of
2 phenylpropanolamine base during a twenty-four-hour period;

3 (ii) No customer shall purchase, receive, or otherwise
4 acquire more than nine grams of pseudoephedrine base or nine grams
5 of phenylpropanolamine base during a thirty-day period; and

6 (iii) The customer shall display a valid driver's
7 or operator's license, a Nebraska state identification card, a
8 military identification card, an alien registration card, or a
9 passport as proof of identification; and

10 (e) Stored behind a counter, in an area not accessible to
11 customers, or in a locked case so that a customer needs assistance
12 from an employee to access the drug product, ~~except that this~~
13 ~~requirement does not apply to liquid pediatric formulations. For~~
14 ~~the purposes of this subdivision, liquid pediatric formulation~~
15 ~~means a liquid formulation with pseudoephedrine doses of fifteen~~
16 ~~milligrams or less that is manufactured and marketed for children~~
17 ~~twelve years of age or younger. If it is documented by a~~
18 ~~law enforcement agency to the Nebraska State Patrol that a~~
19 ~~liquid pediatric formulation has been found at a methamphetamine~~
20 ~~manufacturing site, the patrol shall present the documentation to~~
21 ~~the chief medical officer, as described in section 81-3115, who~~
22 ~~shall issue an order removing the exemption.~~

23 (2) Any person who sells drug products in violation
24 of this section may be subject to a civil penalty of fifty
25 dollars per day, and for a second or any subsequent violation,

1 the penalty may be one hundred dollars per day. Any such drug
2 products shall be seized and destroyed upon the finding of a
3 violation of this section. The department, in conjunction with
4 the Attorney General, the Nebraska State Patrol, and local law
5 enforcement agencies, shall have authority to make inspections
6 and investigations to enforce this section. In addition, the
7 department may seek injunctive relief for suspected violations of
8 this section.

9 Sec. 3. Section 28-456.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 28-456.01 No person shall purchase, receive, or otherwise
12 acquire, other than wholesale acquisition by a retail business
13 in the normal course of its trade or business, any drug product
14 containing more than ~~one thousand four hundred forty milligrams~~
15 three and six-tenths grams of pseudoephedrine base or ~~one thousand~~
16 ~~four hundred forty milligrams~~ three and six-tenths grams of
17 phenylpropanolamine base during a twenty-four-hour period unless
18 purchased pursuant to a medical order. Any person who violates this
19 section shall be guilty of an infraction as defined in section
20 29-431.

21 Sec. 4. Original sections 28-405, 28-456, and 28-456.01,
22 Reissue Revised Statutes of Nebraska, are repealed.

23 Sec. 5. The following sections are outright repealed:
24 Sections 28-448 and 28-454, Reissue Revised Statutes of Nebraska.

25 Sec. 6. Since an emergency exists, this act takes effect

LB 151

LB 151

1 when passed and approved according to law.